

HAMPTON PLANNING BOARD

MINUTES

August 5, 2015 – 7:00 p.m.

PRESENT: Brendan McNamara, Chair
Fran McMahon, Vice Chair
Ann Carnaby, Clerk
Mark Olson
Anthony Ciolfi, Alternate
Keith Lessard
James Waddell, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT: Tracy Emerick

I. CALL TO ORDER

Chairman McNamara began the meeting at 7:00 p.m., by leading the Pledge of Allegiance and introducing the Planning Board members.

Mr. McNamara noted that two applications are seeking to be continued; **263 Drakeside Road and Towle Farm Road** is the first one seeking to be continued.

MOVED by Mr. McMahon to hear 263 Drakeside & Towle Farm Road on September 2, 2015.
SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

175, 165 & 155 Island Path is the second application seeking to be continued.

MOVED by Mr. McMahon to hear this application on October 7, 2015.
SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

II. ATTENDING TO BE HEARD

III. NEW PUBLIC HEARINGS

15-035 263 Drakeside & Towle Farm Rd 08/05/15 (Continued to 9/2/15)

Maps: 157 & 140 Lots: 1 & 1

Applicant: Chinburg Builders, Inc.

Owners of Record: Valle Drakeside LLC, Asset Title Holding, Inc.

Site Plan and Wetlands Permit: Construct ten, single-family residential condominiums;

Wetlands Permit to remove existing asphalt on site which is located within the wetland buffer.

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15-036 77 & 79 Ocean Blvd

Maps: 293 Lot: 24-1

Applicant: Houle Realty Trust, Attn: Marylee Twomey

Owners of Record: Same

Site Plan: Renovate two, 5-unit, single-story wings of existing motel; wings to be re-built with 9 motel units and 2 retail units along Ocean Blvd in 2 stories; middle building to remain as-is.

Waiver Request: Section VII.D Stormwater Management of Site Plan Regulations.

Mary Twomey appeared with Joe Coronati of Jones & Beach. This address is known as the Harris Sea Ranch. The owner owns three parcels at this location. The application is for one parcel. It is a 100 x 100 s.f. lot. There are 14 motel rooms now. There are a total of 14 motel rooms and one year-round residence. Most of the area is impervious. They are at about 95 percent sealed surface. There is handicapped access. North and South wings are one story. The middle section is 2 ½ stories.

The proposal is to keep the middle section of the building; tear down two, five motel wings on north and south side and rebuild that section. The north and south sides will get wider; rooms bigger and nicer. Ms. Twomey wants to make sure people in the southernmost areas have a view. They are going from 14 motel rooms to 13 motel rooms. There are two additional retail spaces. She previously had approval for 4 kiosks. At the ZBA meeting, it was amended from 4; they eliminated 2 kiosks. There is retail space inside building.

Marylee is proposing a pool for tenants. The sealed surface of the area has been reduced by adding porous material. They will use eco-pavers also. **They requested a waiver for the storm water report.**

Mr. Coronati discussed PRC comments with reference to the addition of the sidewalk out front. It is shown on the plan.

Mr. Coronati said sprinklers will be added to two wings. They are updating utilities, sewer lines, etc.; new gas lines and water line.

BOARD

Mr. McNamara asked about the site and what will happen until the pool is figured out. Mr. Coronati said the pool would not be started until after March. If the pool is not constructed, the area is impervious. That area could be temporarily a paved area or grass area. Mr. Coronati said the pool would be the last part of the project, if it gets approved to be put it in.

Mr. McMahon asked about parking and it was noted by Mr. Coronati. They reduced the number of units by one and parking will stay the same. There's no parking requirement for

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retail. Mr. Coronati did not look at all the units. The applicant said there is parking for 20 in the back lot and 10 in the garage – allowance for up to 14. All guests have been accommodated. It is one per room; 13 required. The residence would be two (the spaces are in the garage). Mr. Lessard wants the spaces assigned with a Deed. Mr. Coronati said Ms. Twomey owns additional pieces of property on the beach; she could lease spaces also from DRED. If she sold a lot, she could lease spaces for parking.

Mr. McNamara asked if parking spots can change. Mr. Coronati said they can lease spots from DRED. They could have valet parking also. Mr. McNamara said for new developments, deeding parking spaces is the way to go now.

Mr. Lessard said he'd rather solve the problem now. Mr. Lessard said if they become condos, etc., it would be a pre-existing condition. Mr. Lessard noted they are currently one room. These new ones are suites. He listed all the units that have separate bedrooms.

Mr. Olson asked if cars are parked in horseshoe space. The applicant said she is one of the only motels that are at street level.

Mr. Lessard said if they transfer themselves in their chair, where do they leave the car. Usually there is more than one person per Ms. Twomey. She noted rooms are not handicapped-accessible.

Mr. Olson said there are conflicts with what is handed out and the drawings. He said the space to the south is considerably smaller. It may be adjoined with the retail per Mr. Coronati. Mr. Olson said the retail space to the north is a larger space with a smaller square footage called out.

Mr. Olson asked about trash. The trash is stored under the overhang building. Most times the trash cans are put on L Street; sometimes they go out to Ocean Blvd. There are three distinct lots. Mr. Olson asked what happens when the properties separate. They have the ability to store the trash cans in their own lots. Mr. Coronati said there may be space on the side.

Mr. Lessard said they should have their trash on their own property. Planning needs to look at this as three separate pieces of property. Mr. Coronati said he can designate trash on the plan. Mr. Lessard asked if Fire would be okay with that. There are 13 units; 4 for garbage and 4 for recycling. Grease traps were asked about.

Mr. Coronati said they have the ability to have trash picked up daily. Mr. Lessard thinks she should have trash separate for 77 Ocean Blvd. Retail units generate more trash.

Ms. Carnaby asked about issues with the public walking on sidewalk and trying to dip in the pool. Ms. Twomey said a barrier will be added so it will be separated off and landscaping will be added.

Mr. McMahon asked how parking gets in. Sidewalk is concrete but flush. It is a continuous driveway. There are 10 parking spaces for 14 units. Dimensions were asked about. Mr. Coronati said he is not familiar with the parking layout under the building. There are 16 units and 10 parking spaces. That building is short 6 parking spaces. There is nowhere else for visitors. Mr. Coronati said people are assisted with parking. Mr. Lessard wants to see parking spaces called out.

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There are 30 rooms total (between two buildings). With the proposed, there will be 29 motel units and a residence. Mr. Lessard said it's possible to be condominiumized in the future. Mr. Coronati said as long as it's made transferrable it should be fine.

Mr. Olson said he is in favor of cars being off Ocean Blvd.

Mr. Coronati said they are willing to designate spaces in the rear lot. **Mr. Coronati will designate spaces to the lot with the condition they are transferrable if alternative location is acceptable.**

Mr. Olson asked about access from the back parking lot to the building. There are four stairs from the back parking lot.

Mr. Lessard asked for a landscape plan if pool does not pass; the Board may want that plan now just in case. Mr. Coronati said he can do that.

PUBLIC BOARD

Mr. Bachand discussed the revised Planner's Memo. Mr. Bachand said in terms of the sidewalk, there was a meeting with the Town Manager, DPW, and Senator Stiles today. The State previously would allow the property owners to upgrade and maintain sidewalks through an agreement with them; this involves sidewalk to be installed for projects along Ocean Blvd and maintained by the property owner. There is a new District Engineer and now the State's position has changed. If the State doesn't issue a permit, then a bond has to be given - funds in escrow shall be provided to the Town for future construction of the sidewalk once agreement has been reached between the State and the Town on the Route 1A sidewalk issue. The Town's Engineer will determine the estimate. It allows the applicant to go forward with project. How long can the Town hold someone's money was asked. The meeting just happened this afternoon so details need to be worked out. The new District Engineer at DOT has caused a change in the policy. It is a State sidewalk.

Mr. McMahon said we did this on P Street, O Street, north of A Street, 377 Ocean Blvd. Impact fees were discussed by Mr. McMahon.

Mr. Lessard asked about Drainage Plan/Maintenance Plan. Mr. Lessard asked if an O&M Plan has been submitted and Mr. Bachand stated yes.

Mr. Bachand discussed retail sales under the tents. Ms. Twomey said the Building Inspector gave them a Cease and Desist and that they then made it right. They got permission for kiosk tents. Ms. Towmey went through the correct process. Ms. Twomey did what she was told. Ms. Twomey is hurt the violation was brought up.

Mr. Bachand discussed **trash and recyclables – it should be shown on final plan. It should be on subject site.**

Fire will have a final sign off.

Parking was discussed; deeding was not discussed.

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Transferrable parking spaces were discussed as well; we should look at what Chuck Rage had to do. It could be a model to use.

MOTION by Mr. Lessard to grant the waiver request from stormwater management based on CMA's recommendation.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

Mr. Bachand asked about parking spaces language for an additional condition – it's a legal term. Mr. McMahon said we had other applicants dedicate off-site property for use on other sites; **we want some sort of perpetual parking provided for this land.** Leased spaces can disappear season to season/year to year and this may need to be reviewed by Attorney Gearreald.

There will be a minimum of 14 parking spaces; there are kitchens; they will be subject to impact fees when it gets converted to condos. **Mr. Lessard said the lawyer should have the language run by him. They need to be legal spaces.**

MOTION by Mr. Olson to approve with planner's memo (revised 8/5/15) and stipulations noted above.

SECOND by Mr. Lessard

VOTE: 7 – 0 – 0

MOTION PASSED.

15-037 128 Ashworth Avenue

Map: 290 Lot: 150

Applicant: 128 Ashworth Avenue, LLC

Owner of Record: Same

School Impact Fees: Partial Waiver Request, Section 5.5.e of Impact Fee Ordinance.

Attorney Peter Saari appeared with Joseph Coronati of Jones and Beach. Mr. Lessard stepped down.

He feels Mr. Mayberry takes care of this and Mayberry gave his report. Attorney Saari read Mr. Bachand's Planner's Memorandum and does not feel his recommendation is unreasonable. Half of the units are one-bedroom; other half are three bedrooms. He accepts the Planner's recommendations.

It would go to \$65,936.00 (total required impact fee for townhouse and multi-family). Some multi-families are two families. Attorney Saari agrees it should stay consistent.

Mr. McNamara agrees we should stay at 61 percent.

Mr. Waddell would even want to go higher; a good education brings property values higher. Ms. Carnaby agrees with Mr. Waddell. Mr. McNamara said the Town's people want impact fees assessed.

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Mr. Olson agrees with Mr. Waddell and Ms. Carnaby. It's not for us to determine how many people live in a space.

Mr. Ciolfi agrees also. Mr. Olson said we should stay where we are at. Ms. Carnaby wants to put a re-visiting of impact fees on our agenda for serious discussion. This will happen for October.

PUBLIC BOARD

Mr. Bachand discussed Mr. Tinker's Memo and how the final figures were arrived at, etc. and it is consistent with what the Planning Board has done in the past. He recommends the partial waiver in the amount of \$25,712.00, but based on a total required impact fee of \$65,936.00.

MOTION by Mr. McMahon to approve the partial waiver in the amount of \$25,712.00.

SECOND by Mr. Waddell.

VOTE: 6 – 0 – 0

MOTION PASSED.

15-038 26 Sanborn Road

Map: 207 Lot: 24

Applicants: James and Robin MacDonald

Owner of Record: James MacDonald

Driveway Permit Appeal.

Mr. MacDonald appeared. He put an addition on his house. He started in October. He wants to extend the driveway. The original driveway was 32' wide; he needed another 8' to make the second bay to the garage. He found out it can only be 24'.

BOARD

The pitch was from the street to the old garage. He excavated the old driveway to get the new pitch. Mr. McNamara asked if the width could stay shorter at the street and then expand out. Mr. MacDonald wants more space to park.

Mr. McMahon asked why he is here. Mr. MacDonald said the DPW came to his home. He went to DPW, filled out the permit application with drawing and it was turned down and he was told he could appeal.

PUBLIC

Mr. Warburton appeared. He is very happy with what Mr. MacDonald wants to do with the driveway.

Mr. Bruch appeared. He said aesthetically it will be good looking. The driveway will drain out into the street.

Bob McElreath appeared. He noted that Mr. MacDonald's property is looking so much better.

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Mr. Bachand went out to the site and observed the configuration of his lot and his new addition. He initially thought 40 feet may be too wide and perhaps some grassed area could be incorporated, but upon visiting didn't feel the applicant's request was intrusive on the neighborhood or out of character.

Mr. Olson said the Board heard an appeal on Pine Street and it was turned down. There was one also off of Park Ave, and it was turned down.

Mr. Lessard noted that it's 16' wider than the Regulation allows. In the past it was 32'; so it's only 8' more. Mr. McNamara said if it's not hurting abutters and traffic flow, and if it does not look silly and it's not draining onto the road, it should be fine. Mr. Olson said he could grandfather what was there at 32'. That would be meeting half way. Mr. MacDonald has it ready for hot top. He wants it to look good.

Mr. Waddell said if it looks good and it's not a problem it should be fine.

MOTION by Mr. Waddell to grant the appeal.

SECOND by Ms. Carnaby.

VOTE: 4 – 3 (Olson, McMahon, Lessard) - 0

MOTION PASSED.

15-039 22 Meadow Pond Road

Map: 168 Lot: 9

Applicants: Steven Davis & Lee Houghton

Owner of Record: Lee Houghton

Wetlands Permit: Replacement of existing 504 s.f. crushed stone driveway area with permeable paver driveway. 60 percent of area is within State 100' wetland buffer; and 10 percent is within Town 50' wetland buffer zone.

Ms. Houghton appeared. This application is to replace the existing crushed stone driveway. There will be no additional impact. Putting in permeable pavers was discussed. The Conservation Commission did its walk thru and they wrote a letter recommending it was approved and Ms. Houghton agrees with its stipulations. Mr. McMahon stated he was at the Conservation Commission meeting and it had no problem with the project and it was unanimous.

PUBLIC

Mr. Jay Diener, Conservation Commission Chair appeared. He noted stipulations in Conservation Commission letter.

Mr. Bachand visited the site, reviewed the materials. He recommends approval with the Conservation Commission stipulations.

MOTION by Mr. McMahon to approve the wetlands permit along with the stipulations contained in the Conservation Commission letter dated July 31, 2015

SECOND by Mr. Olson.

VOTE 7 – 0 – 0

MOTION PASSED.

15-040 175, 165 & 155 Island Path (SEE ABOVE/CONTINUED TO 10/7/15)

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Map: 280 Lots: 22-1, 22-2 & 22-3

Applicant: Aaron Brown

Owners of Record: Peter Martin (Lot 22-1); Robert Dudley (Lot 22-2) and Aaron Brown (Lot 22-3)

Wetlands Permit: Construction of two townhouses (one duplex)-Post Appeal.

15-041 958 Ocean Blvd

Map: 152 Lot: 24

Applicants: Lance and Patricia Cramer

Owners of Record: Same

Wetlands Permit: Addition of second story to existing home; construction of two small additions & attached deck along with permeable walkway & patio. Relocate boulders.

Jack with MSC Engineering appeared with Lance and Patricia Cramer. It is a condo lot. It has two units on it. It's a seasonal cottage now. They want to upgrade it to an all-season house. Renovations were discussed. The deck will have gravel underneath it. They went to the Conservation Commission two weeks ago and the Commission gave its recommendations.

BOARD

Mr. Lessard asked if the revetment was being put in. Some stones will be moved around per Jack. They own up to the mean high tide mark. **Mr. Lessard wants to see the property line noted on the map.**

PUBLIC

Mr. Jay Diener appeared. Mr. Diener stated some Plaice Cove area property lines do go down to the high tide line, but is not sure about 958. The patio paver will be pulled back to the 50' buffer. The plan should be updated to show decking on the north side; detail for decking. **He wants that reflected on the approved plan dated July 29, 2015. Mr. Diener wants the detail added regarding decking being permeable and gravel.** Deck spacing isn't called out. Applicant does not have a full sized copy of the revised plan.

Mr. Olson asked about the patio being inside the highest observable tide line. Rosa Ragusa is going to be in the 50' buffer zone which is fine.

Mr. Diener said conditions are in their letter. Mr. Lessard asked if we need a revised plan. Mr. Diener stated that the plan needs to be updated to show the detail of the decking and stone underneath. He had not seen that update prior to, or at the meeting. It should have been provided by Corey Colwell. **This should be continued to August 19th.**

MOTION by Mr. Lessard to continue this application to August 19, 2015 and request MSC to get the updated plans to us.

SECOND by Mr. Olson.

VOTE: 7 – 0 – 0

MOTION PASSED.

15-043 377 Ocean Boulevard

Map: 265 Lot: 20

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Applicant: The 377 Ocean Blvd, LLC/Warren Kelly

Owner of Record: Same

Site Plan: Construction of one building with twelve, 2-bedroom units; additional bldg with eight 1-bedroom units and six, 2-bedroom units. Waiver Request: Section V.C. Fees - Submission Requirements.

Attorney Peter Saari appeared with Warren Kelly and Joe Coronati of Jones & Beach. Keith Lessard stepped down. This project has been here before. This is the third time. The last approval was for 22 units. Mr. Kelly purchased the property and they have the same basic units, but they added 4 to the front building and to the 2nd building in. Total number of units is now 26. Road layout is identical. Sewer is the same; drainage is the same; gas line, etc. Aquarion comments have been incorporated in the plan. They added parking to the units. They added an outdoor patio. They reduced garage spaces. They received variances last month on height and side setbacks.

Mr. Coronati handed out a folded packet. ZBA wanted notes updated. Mr. Kelly made changes to the landscaping plan. He wants to add arborvitae trees to block Unit #1 from the patio area. Riverstone and perennial plants would be across the front with black rod iron fence.

BOARD

Mr. Olson asked about the sidewalk and space between the property line and main unit. Eight unit building – two in the middle could act as a parking spot. They are tight. Mr. Coronati agrees. Two end units at curve cannot accommodate parking. Two end spots will have cars hanging out. Mr. Olson likes the plan.

Mr. McMahon asked about the wetlands permit. It is still valid; back has not been changed or altered at all. Turn-around and plantings are identical.

Mr. McMahon asked about the variance for parking.

Mr. Coronati said the Fire Department is happy now.

Mr. Olson asked about storage units. He asked about garage doors; parking is open to driveway. It's opened to the garage.

PUBLIC

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Mr. McMahon said this will be private trash and recycling.

Mr. Bachand revised the initial Planner's Memo regarding the sidewalk. There is no approval from the State to do the sidewalk. Original Condition #22 has been revised to reflect this. It's the same language as 77-79 OB. An Escrow will need to be put in place for construction of sidewalk.

Conditions 2 and 5; ZBA – that needs to be reviewed prior to recording.

MOTION by Mr. McMahon to approve the Site Plan along with the Planner's (revised) Memo dated August 5, 2015.

SECOND by Mr. Waddell.

VOTE: 5 – 0 – 1 (McNamara)

MOTION PASSED.

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Mr. Kelly asked about escrowing the sidewalk. Mr. Bachand said engineering will have to work out the amount. Mr. Kelly asked how long it will be held for. It will be payable prior to the CO being issued.

Waiver request was forgotten. The application is the same as prior. Public Hearing was reopened.

MOTION by Mr. Olson to grant the waiver.

SECOND by Mr. McMahon.

VOTE: 6 – 0 – 0

MOTION PASSED.

IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of July 1, 2015.

MOTION by Mr. Lessard to approve the Minutes.

SECOND by Mr. Olson.

VOTE: 6 – 0 – 1 (Ciolfi)

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **Rails-to-Trails**

Mr. Bachand sent to the Board some general information to get the ball rolling on rails-to-trails. Some Regional Master Plan information was provided as well. He was in touch with Scott Bogle of the RPC. Mr. Bogle has agreed to be at our meeting on August 19th to present on the topic.

Mr. McMahon wants to see what right of way will look like. Joint use opportunity is tremendous. Zoning in downtown area is good. Mr. Bogle's email concerned him. He does not want DOT to run the program. He wants the Town to be an active participant and include matters the Town wants to see. Not the State taking the project.

Mr. Ciolfi was involved with Scott on this project before. He noted the Towns do get very involved. The DOT is more involved with the ownership of the railway and maintenance agreement. Towns have trouble with liability. Portsmouth is getting on board; Hampton and North Hampton need to fill the gap. Mr. Lessard asked about driving in back of the businesses downtown and noted the Town has transportation issues also.

Mr. Ciolfi said it was an alternative on the corridor study. We need to know what the right of way is. How many feet is the right of way. There's a lot of double track right of way per Mr. Ciolfi.

Mr. Waddell thinks rail trails are real positives in Towns. He thinks it would be great for our downtown.

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Ms. Carnaby discussed North Hampton getting on board and she is glad that Scott Bogle is coming to our meeting. She thinks we need to get a grip on this. The intermodal study of Route 1 and 101 was discussed also by Ms. Carnaby.

Mr. McMahon asked about removal of the bridge on Exeter Road; it would allow you to interline with High Street.

Mr. Olson said adding more traffic spots will put future businesses out of business. Traffic flowing thru quicker won't help. He does not want traffic to go bigger and faster.

Mr. Ciolfi said there is funding for this. Towns North and South of Hampton will take advantage of funding. The DOT is providing funding.

Ms. Carnaby agrees and thinks alternate turns off of Route One would help with businesses.

- Zoning Review Subcommittee Update

Mr. Bachand updated the Board on the subcommittee's progress. Minutes were provided and are available at the Planning Office. A hotel and retail outlot were discussed. Adding parking to CR's was discussed. The next meeting is on the 26th.

Ms. Carnaby said the committee works well together and it comes up with good ideas. Zoning may not need much change.

Mr. Bachand discussed O&M's. Mr. Gearreald has not had an opportunity to do the memo to the Planning Board, but offered some preliminary ideas. Providing Assessing with a list of sites requiring an annual O&M report was discussed. Notice of the O&M obligation would be able to go to the new owner if the property changes hands. Implementing a fine procedure for those who do not comply was discussed, with enforcement by the Building Inspector. Ms. Olivier said that the responsibility of O&M's falls mainly on Condo Associations and Homeowners Association and that would make it difficult to involve Assessing in that capacity.

Ms. Carnaby discussed a meeting last Thursday evening in Greenland. Natural disaster planning and coastal erosion was discussed. Planning for historic and cultural resources on the Seacoast. The lead speaker was from the National Park Service. Historic pieces should be documented. Once it's gone; it's gone.

State Division of Historic Resources said there is money available for Towns and communities.

Ms. Carnaby discussed the grant. Money has been available (FEMA monies). The deadline is next Monday afternoon at 4:00 p.m.

The Town can go for grant money. Ms. Carnaby could get money for an inventory. The Town has no Town-wide inventory. No matching funds are required. Ms. Carnaby noted that she has done federal grant work in the past.

Ms. Carnaby is willing to write the proposal and get it in shape to be submitted for Monday. She wants the Planning Board to endorse her. It's about \$50,000 to \$70,000. The State has about \$200,000.00.

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Mr. McMahon said Mr. Bachand has enough to do. It was asked if Mr. Bachand has to be involved. Ms. Carnaby said Mr. Bachand would not have to be involved; she could use her office. She wants to put the time in. Volunteers can be recruited.

Mr. Olson said much should already be documented. A lot is known per Ms. Carnaby, but there is no register.

Mr. McNamara likes to find things we don't notice.

Mr. Waddell said there's no free money. Getting the general public to do the work may be the way to go.

MOVE by Mr. McMahon to not proceed with this.

SECOND by Mr. Waddell.

VOTE: 4 – 1 (McNamara) – 2 (Lessard and Olson, but they like the idea). MOTION PASSED.

Mr. McNamara discussed impact fees – it will be discussed in October. Will we need warrant article for money to do that was asked. We need a consensus.

VIII. ADJOURNMENT

MOTION by Mr. McNamara to adjourn.

SECOND by Mr. Waddell.

VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 9:34 p.m.

Respectfully submitted,

Laurie Olivier, Administrative Assistant

****PLEASE NOTE****

ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.

MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING